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Paper No. 6

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SEP 24 2002

OFFICE OF PETITIONS

In re Application of
Yan et al.
Application No. 10/090,002
Filed: March 5, 2002
Attorney Docket Number: CL001316

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR §1.47(a), filed July 1, 2002.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR §1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR §1.136(a).

The above-identified application was filed on March 5, 2002, without a signed oath or declaration and naming Chunhua Yan and Fangcheng Gong as co-inventors.

Accordingly, on April 1, 2002, a "Notice to File Missing Parts of Application" was mailed, requiring the basic filing fee, claim fees, an executed oath or declaration and a \$130.00 surcharge for its late filing.

In response, on July 1, 2002, applicant submitted the basic filing fees, claim fees, a \$130.00 surcharge for late filing oath or declaration fee, and a copy of a returned certified mail envelope to inventor Gong. Pursuant to applicants' request the \$130.00 petition fee was charged to deposit account 50-0970.

Petitioner's rule 47 petition is untimely. Petitioner was required to respond to the Notice of Missing Parts by June 1, 2002. Petitioner did not provide authorization to charge a deposit account for any extensions of time. The petition is **DISMISSED** as untimely. Accordingly, the Petition has not been reviewed on its merits. The last day of the extendable period to respond to the Notice of Missing Parts is November 1, 2002, with the appropriate extension of time fee.

If an appropriate response is not filed by November 1, 2002, this application will be abandoned and a petition to revive and its accompanying fee will be required.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
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Telephone inquiries related to this decision may be directed to Petitions Attorney
Charlema R. Grant at (703) 306-0251.


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